

Notice of Allowability

Application No.

09/898,497

Examiner

MARISSA THEIN

Applicant(s)

TANAKA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Board Decision of 6/12/09.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>9/30/09</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 9. Other: Drawings filed on 7/5/01 are acceptable.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Daniel Brownstone on September 30, 2009.

The application has been amended as follows:

In the claims

Replace claim 1 as:

1. A method for adjusting a billing rate of a mobile telecommunications connection associated with a mobile telecommunications unit (MU), comprising the steps of:
 - determining whether a location of the MU is inside or outside a predetermined subsidized zone associated with a commercial establishment;
 - responsive solely to a determination that the location of the MU is inside the subsidized zone, adjusting the billing rate for the telecommunications connection to a first predetermined billing rate; and
 - responsive solely to a determination that the MU is outside the predetermined subsidized zone, adjusting the billing rate for the telecommunications connection to a second predetermined billing rate.

Replace claim 9 as:

9. The method of claim 1, wherein the commercial establishment pays the first predetermined billing rate.

Replace claim 12 as:

12. A system for adjusting a billing rate of a mobile telecommunications connection associated with a mobile telecommunications unit (MU), comprising:

- a processor;
- memory for storing computer readable instructions that, when executed by the processor, cause the system to perform the operations of:
 - determining whether a location of the MU is inside or outside a predetermined subsidized zone associated with a commercial establishment;
 - responsive solely to a determination that the location of the MU is inside the predetermined subsidized zone, adjusting the billing rate for the telecommunications connection to a first predetermined billing rate; and
 - responsive to a determination that the MU is outside the predetermined subsidized zone, adjusting the billing rate for the telecommunications connection to a second predetermined billing rate.

Replace claim 20 as:

20. The system of claim 12, wherein the commercial establishment pays the first predetermined billing rate.

Replace claim 23 as:

23. A computer program product for adjusting a billing rate of a mobile telecommunications connection associated with a mobile telecommunications unit (MU) comprising a computer-readable medium containing computer program code for performing the operations of:

determining whether a location of the MU is inside or outside a predetermined subsidized zone associated with a commercial establishment;
responsive solely to a determination that the location of the MU is inside the predetermined subsidized zone, adjusting the billing rate for the telecommunications connection to a first predetermined billing rate;
and
responsive solely to a determination that the MU is outside the predetermined subsidized zone, adjusting the billing rate for the telecommunications connection to a second predetermined billing rate.

Replace claim 31 as:

31. The system of claim 23, wherein the commercial establishment pays the first predetermined billing rate.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Claim 1 recites a method for adjusting a billing rate of a mobile telecommunications connection associated with a mobile telecommunications unit (MU), comprising the steps of, *inter alia*: determining whether a location of the MU is inside or outside a predetermined subsidized zone associated with a commercial establishment.

The most closely applicable prior art of record is U.S. Patent No. 6,671,506 to Lee. Lee discloses the determination whether the mobile radio terminal is currently within or outside a home zone based on the strength of the home zone signal, and a base station communicates with the mobile radio terminal. A visitor location register temporarily stores a first and a second telephone numbers of a subscriber, wherein each telephone number represents different charge rates. A mobile exchange receives a call information, a mobile identification number, and the home zone in/out information from the base station and selects one of the first and second telephone numbers of a subscriber corresponding to the mobile identification number and the home zone in/out information. A billing center receives the call information and one of the selected first and the second telephone numbers from the mobile exchange and generates a service charge for the call connection. (Abstract) However, Lee neither anticipates or is obvious in fairly and reasonable teaching a method for adjusting a billing rate of a mobile

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telecommunications connection associated with a mobile telecommunications unit (MU), comprising the steps of, *inter alia*: determining whether a location of the MU is inside or outside a predetermined subsidized zone associated with a commercial establishment.

Owensby neither anticipates or is obvious in fairly and reasonable teaching a method for adjusting a billing rate of a mobile telecommunications connection associated with a mobile telecommunications unit (MU), comprising the steps of, *inter alia*: determining whether a location of the MU is inside or outside a predetermined subsidized zone associated with a commercial establishment. Owensby teaches a system and method for subsidizing the cost of a wireless mobile communications service by inserting commercial information or advertisements before and during a wireless mobile communication that are targeted to the subscriber of the service on the basis of the wireless mobile location of the subscriber's wireless mobile terminal (col. 10, lines 26-32). Furthermore, the Board of Patent Appeals and Interferences decided that it would not have been obvious to modify Owensby so that the subsidy is provided solely based on the location of the MU.

Claim 12 recites a system for adjusting a billing rate of a mobile telecommunications connection associated with a mobile telecommunications unit (MU), comprising, *inter alia*: determining whether a location of the MU is inside or outside a predetermined subsidized zone associated with a commercial establishment. This system is allowable over the prior art of record for reasons consistent with those identified above with respect to claim 1.

Claim 23 recites a computer program product for adjusting a billing rate of a mobile telecommunications connection associated with a mobile telecommunications

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unit (MU), comprising a computer-readable medium containing computer program code for performing the operations of, *inter alia*: determining whether a location of the MU is inside or outside a predetermined subsidized zone associated with a commercial establishment. This computer program product is allowable over the prior art of record for reasons consistent with those identified above with respect to claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./

Examiner, Art Unit 3627

October 1, 2009

/F. Ryan Zeender/Supervisory Patent Examiner, Art Unit 3627